

1 LATONIA SMITH
2 9748 CANYON LANDING AVE.
3 LAS VEGAS, NV 89166
4 702-521-3522
5 PLAINTIFF IN PROPER PERSON

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7
8 UNITED STATES DISTRICT COURT
9 BY: CLARK COUNTY, NEVADA

FILED	ENTERED	RECEIVED
SERVED	ON	COUNSEL/PARTIES OF RECORD
MAY 13 2019		
CLERK US DISTRICT COURT		
DISTRICT OF NEVADA		
DEPUTY		

10 LATONIA SMITH,

11 Plaintiff(s),

12 -vs-

FENNEMORE CRAIG,

13 Defendant(s).

2:19-cv-00824-GMN-GWF

14
COMPLAINT AND REQUEST FOR INJUNCTION WITH JURY DEMAND

15 NOW COMES Plaintiff Latonia Smith, an individual ("Ms. Smith"), states her
16 Complaint against Defendant(s) as follows:

17
INTRODUCTION

- 18 1. Fennemore Craig P.C. is a regional law firm that represents large corporations in
19 litigation.
- 20 2. Fennemore Craig P.C. includes six office locations in Phoenix, Arizona; Tucson,
21 Arizona; Nogales, Arizona; Las Vegas, Nevada; Reno, NV; and Denver,
22 Colorado.
- 23 3. Caesars Entertainment is a major gaming corporation that owns and operates
24 more than fifty (50) casinos and hotels, including but not limited to PHWLV, LLC;
25 The Cromwell; Flamingo Las Vegas; Harrah's Las Vegas; The Linq Hotel; Bally's
26 Las Vegas; Rio All-Suite Hotel; and Paris Las Vegas.

4. Fennemore Craig is representing Caesars Entertainment (CEC) and Planet
5 Hollywood Las Vegas (PHWLV) in a currently pending, multi-million-dollar
6 litigation, involving Annecer Peruzar (the Plaintiff's mom and Plaintiff in the
7 litigation) and Caesars Entertainment/PHWLV (defendants).
8. Fennemore Craig also represented Caesars Entertainment in a dismissed
9 retaliatory lawsuit that was filed against the Plaintiff and 50 DOE defendants.
10. During the course of the litigation that began on November 5, 2018, employees
11 of Fennemore Craig began harassing, intimidating, and defaming Ms. Smith, who
12 is a witness in the currently pending litigation.
13. Employees of Fennemore Craig, in a concerted effort, threatened Ms. Smith, filed
14 multiple protective orders against Ms. Smith in various locations (consecutively),
15 defamed Ms. Smith to various third parties, and have continued to harass Ms.
16 Smith in an attempt to prevent Ms. Smith from attending public proceedings or
17 being a witness in the litigation.
18. Namely, employees of Fennemore Craig also threatened to have the Plaintiff and
19 her mother killed, called the Plaintiff derogatory, anti-black names, and accused
20 the Plaintiff of crimes that were listed in the dismissed retaliatory lawsuit (in and
21 outside of separate, public court proceedings).
22. Employees of Fennemore Craig also set out to expose a confidential settlement
23 agreement made between parties in connection with the dismissed retaliatory
24 lawsuit, which all parties agreed would cause irreparable harm if exposed.
25. Fennemore Craig further instructed their defendants, Caesars Entertainment, to
26 ban Ms. Smith from all Caesars Properties although Ms. Smith has never been
27 on a Caesars property.

11. This lawsuit is brought against the defendant(s) to seek legal redress for their
1 intentional, reckless, and malicious attacks on the Plaintiff, which has caused
2 permanent damage to her life and reputation.
12. The Plaintiff does not have a criminal history, graduated third in her high school
4 class, and recently graduated with a bachelor's degree in Biochemistry.
13. The Plaintiff is preparing for medical school and there is no doubt that the harm
7 inflicted by Fennemore Craig in their emotionally-filled need to help their clients
8 “get back” at the Plaintiff’s mother has caused permanent damage to her
9 reputation.
14. The defendant(s) assisted in bullying the innocent daughter of Mrs. Annecer
11 Peruzar (the Plaintiff in a case against their clients CEC/PHWLV) with an
12 absolute disregard for the pain and destruction that their attacks would cause
13 and due to their hate of African Americans in general.
15. This country and our society have been a pillar of equality, and countless leaders
16 have fought, and are still fighting, to eradicate the hate found within pockets of
17 our communities. Every individual has a right to be respected regardless of the
18 color of their skin.
19. The defendants must be dealt with in the same manner all bullies are dealt with
20 and that is to hold the bully fully accountable for their wrongdoing in a manner
21 which effectively deters the bully from again engaging in bullying. In a civil
22 lawsuit, punishment and deterrence is found in awarding money damages to the
23 victim and target of the bully.
24. In order to fully compensate Ms. Smith for her damages and to punish, deter, and
25 teach the defendants a lesson that they will remember, this action seeks money
26 damages in excess of One Million Dollars (1,000,000.00).
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FACTS OF THE CASE

Background

18. Mrs. Peruzar (Plaintiff's mother) was employed at Planet Hollywood from
November 19, 2012 to November 15, 2017 as a Guest Room Attendant (GRA).
19. Guest room attendants at Planet Hollywood receive tips in many different forms
and amounts.
20. At the time of Mrs. Peruzar's employment, Planet Hollywood did not have tip
policies nor tip envelopes, leaving it up to Guest Room Attendants to decipher
what constituted a tip from a guest.
21. Guest Tomas Pina stayed at Planet Hollywood from October 28, 2017 or October
29, 2017 to November 2, 2017.
22. Mrs. Peruzar cleaned the room of Guest Tomas Pina on October 31, 2017 where
she received and took a tip.
23. Mrs. Peruzar was suspended by Planet Hollywood on November 5, 2017 and
terminated by Planet Hollywood on November 15, 2017 for an unrelated
complaint made by guest Tomas Pina concerning money that was taken from his
room on November 1, 2017 (Planet Hollywood pinned that complaint on Annecer
Peruzar in order to cover for another GRA).
24. Between the time period of November 5, 2017 and November 15, 2017, Planet
Hollywood and CEC subsequently began accusing Mrs. Peruzar's daughter (Ms.
Smith) of sending hateful messages under various aliases (consisting of crimes),
which caused Ms. Smith to be hospitalized on November 17, 2017 (along with
witnessing the termination of her mother).
25. Planet Hollywood and CEC planned to use Ms. Smith as a pawn and already
knew Mrs. Peruzar had a daughter when they immediately pinned false
allegations to Mrs. Peruzar's daughter although Mrs. Peruzar had not told them

1 directly that she had a daughter. Later, CEC and PHWLV doubled back to ask
2 Mrs. Peruzar if she had a daughter, in which Mrs. Peruzar confirmed.

3 26. Planet Hollywood suspended and terminated Mrs. Peruzar for alleged theft (of a
4 tip) and gross willful misconduct without any evidence, based solely on the fact
5 that she was African American and based on the false allegations that her
6 daughter, Ms. Smith, was sending hateful messages to CEC and PHWLV (using
7 Mrs. Peruzar's daughter as a further basis for termination).

8 27. Shortly afterward, defendants CEC and PHWLV terminated another employee for
9 alleged theft (of a tip).

10 28. Defendants PHWLV and CEC spread the news of these incidents throughout
11 their own housekeeping departments and to several third parties.

12 **Messages Sent to Defendants PHWLV and Caesars Entertainment Under
13 Various Aliases Created By What Could Have Only Been Themselves
14 And/Or Other Employees**

16 29. During the suspension of Mrs. Peruzar, it is presumed that defendants Planet
17 Hollywood and Caesars Entertainment started receiving hateful messages from
18 themselves and/or upset employees under the guise of various aliases including
19 aliases, suspiciously, pretending to be the "children of Mrs. Peruzar."

20 30. Although it was evident that Ms. And Mr. Smith had not sent any of these
21 messages, Planet Hollywood and Caesars Entertainment immediately pinned
22 these messages on Ms. Smith and began accusing her of crimes to third parties.

23 31. When CEC/PHWLV were put on notice to cease their baseless accusations, they
24 continued on in order to stick with their false narrative (a further basis for the
25 termination of Mrs. Peruzar) finding an absolute disregard for Mrs. Peruzar's
26 family.

1 32. With the situation spiraling out of control, Ms. Smith, through her personal
2 Facebook profile, wrote to the CEO of Caesars Entertainment asking for matters
3 concerning Mrs. Peruzar and the false accusations being made to be looked into
4 more closely.

5 33. Instead, on a hate-filled, retaliatory agenda, CEC/PHWLV added Ms. Smith to a
6 lawsuit/TPO (stating Ms. Smith was stalking an employee of PHWLV that she did
7 not know), making her the fall person in their retaliatory agenda against Mrs.
8 Peruzar.

9 **The Retaliatory Lawsuit Filed Against the Plaintiff**

10 34. On March 15, 2018 and March 19, 2018, defendants PHWLV and CEC filed a
11 lawsuit and temporary protective order against Ms. Smith, with the help of
12 Fennemore Craig due to their hate of the Plaintiff's mother. As stated in
13 settlement discussions, CEC/PHWLV's only basis for attaching Ms. Smith to the
14 lawsuit/TPO with 50 DOE defendants was the message that she sent to the
15 CEO, from her personal Facebook, to look into matters.

16 35. Instead of going through a long and baseless litigation, Ms. Smith (represented
17 by Mortenson and Rafie) and CEC/PHWLV (represented by Fennemore Craig),
18 agreed to enter into a confidential settlement, dismissing all frivolous claims
19 (including the TPO) against Ms. Smith.

20 36. Despite the confidential settlement, Fennemore Craig, exposed this agreement
21 and continued to assert these false allegations against the Plaintiff, along with
22 their defendants CEC/PHWLV, to third parties.

23 37. With the start of the lawsuit that Mrs. Peruzar filed against CEC/PHWLV,
24 Fennemore Craig (along with their defendants CEC/PHWLV) also threatened to
25 cause harm to Ms. Smith and Mrs. Peruzar, and followed in their defendants'
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27
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1 footsteps by filing frivolous TPOs against Ms. Smith (engaging in witness
2 intimidation).

3 **Fennemore Craig and their Employees Continue The False Allegations**
4 **Against The Plaintiff in Further Retaliation and Malice**

5 38. Fennemore Craig distributed the confidential settlement agreement to various
6 third parties (outside of those confined to the agreement).

7 39. After being harassed by an employee of Fennemore Craig (Shannon Pierce)
8 since the start of the litigation involving Mrs. Annecer Peruzar and CEC/PHWLV,
9 the harassment reached a high when Ms. Smith submitted an affidavit to the
10 Eighth Judicial District court in connection with a motion filed by Mrs. Annecer
11 Peruzar, on April 16, 2019.

12 40. On April 17, 2019, after a public proceeding that Ms. Smith attended with her
13 mother, Fennemore Craig employee, Shannon Pierce (in attendance with her
14 associate Ethan Thomas), noted that she was angry about the affidavit filed by
15 Ms. Smith. Since her remarks were ignored by Ms. Smith, this caused Ms. Pierce
16 and her associate Ethan Thomas to become upset. They both carried on calling
17 Ms. Smith a “nigga.” They then threatened Ms. Smith stating, “you won’t make it
18 to see the end of the case because all our defendants have to do is call in an
19 order to have you and your mom taken out....’niggas’ don’t win.” Pierce and her
20 associate then called Ms. Smith a schizophrenic and threatened to punch Ms.
21 Smith in the case stating, “maybe your big lying nose will become smaller.”

22 41. This was all done in an attempt to intimidate and provoke Ms. Smith who had her
23 Air pods in.

24 42. Along with previously disclosing the confidential settlement agreement to
25 (including but not limited to) Ethan Thomas, Brandon Trout, Jerome Bowen,
26 Shawna Braselton, and Wade Beavers, Shannon Pierce used this moment as an

1 opportunity to falsely accuse Ms. Smith of issuing the threats that she and her
2 associate had issued, filed publicly with the court and made wild accusations
3 about Ms. Smith committing crimes, and filed the confidential settlement publicly
4 with the district court.

5 43. Ms. Pierce and her associate then maliciously moved to have Ms. Smith banned
6 from public proceedings as a witness by filing an emergency protective order in
7 district court, which was denied.

8 44. Fennemore Craig employees then, subsequently, conspired with one another to
9 further intimidate, harass, and defame Ms. Smith by consecutively filing TPOs
10 against Ms. Smith in various locations and continuing to spread the false and
11 defaming accusations to third parties.

12 45. Working in connection with their defendants CEC/PHWLV and subsequent with
13 the frivolous TPO filings, Fennemore Craig further instructed CEC to ban Ms.
14 Smith from all current and future properties (although Ms. Smith had never been
15 on a CEC property).

16 46. Fennemore Craig and their employees disclosed the settlement agreement in the
17 hopes of further retaliating against Mrs. Annecer Peruzar and are willing to go to
18 any depths (along with their defendants CEC/PHWLV) in order to cause harm
19 and destruction. Their destruction must end.

20 **MALICIOUS USE OF PLAINTIFF'S MEDICAL RECORDS**

21 47. Employees of Fennemore Craig maliciously used the medical records of Ms.
22 Smith (stemming from her November 17, 2017 hospitalization) and disclosed by
23 Mrs. Annecer Peruzar (not Ms. Smith) in her ongoing lawsuit (and accidentally
24 publicly filed by Mrs. Peruzar) to further their and their defendants' agenda of
25 retaliation and hate.

48. Employees of Fennemore Craig distributed Ms. Smith's medical records containing Ms. Smith's social security and medical identification number, and used Ms. Smith's medical records to falsely indicate to third parties that Ms. Smith was "schizophrenic" (Ms. Smith was not diagnosed with schizophrenia).

49. Employees of Fennemore Craig also used Ms. Smith's medical records (stemming from her November 17, 2017 hospitalization) as a basis for the frivolous and consecutive TPO filings that they conspired to make against Ms. Smith in their agenda to intimidate, harass, and defame Ms. Smith as a witness.

50. It is evident that Fennemore Craig's goal was to also play into the stigma surrounding mental health in an attempt to bring courts to conclude that due to Ms. Smith seeking mental health for the first time in her life, on November 17, 2017, she could not be believed and could not defend herself against the assertions being made by Fennemore Craig employees in TPO filings.

51. The defendant's continual regurgitation of false accusations, public filing of the settlement agreement, and defaming statements have continued and have expanded on the harm caused to the Plaintiff.

52. The defendant(s) must be held accountable for their actions.

PARTIES, JURISDICTION, AND VENUE

53. At all relevant times, Ms. Smith was and is a resident of Clark County, Nevada.

54. The defendant, Fennemore Craig, is incorporated under the laws of the State of Arizona and has its principal place of business in the State of Arizona.

55. The amount in controversy exceeds Seventy-Five Thousand Dollars (\$75,000.00), exclusive of interests and costs, as required to sustain subject-matter jurisdiction in this Court.

56. This Court has subject-matter jurisdiction over this matter pursuant to 28 U.S.C. § 1332(a)(c).

57. The defendant(s) directed their unlawful and bullying conduct at Ms. Smith, a citizen of Nevada.

58. The defendant(s) published the false statements identified herein in the State of Nevada.

59. Ms. Smith suffered permanent reputational and emotional harm in this District.

60. There is a reasonable and direct nexus between the defendants' tortious conduct and the harm suffered by Ms. Smith.

61. Venue is proper in this District pursuant to 28 U.S.C. § 1331 (b) because the defendants are subject to personal jurisdiction in this District and/or a substantial part of the events giving rise to this claim occurred in this District, including publication and injury.

CAUSE OF ACTION FOR CIVIL CONSPIRACY

62. Ms. Smith reasserts and incorporates by reference paragraphs 1 through 61 of this Complaint as if fully restated herein.

63. Several employees of Fennemore Craig became involved in the plot to harass, defame, and intimidate Ms. Smith, which included distributing the confidential settlement agreement and filing TPOs against Ms. Smith in various locations.

64. The defendant(s) intended to accomplish the unlawful objective of intimidating a witness in a current and separate litigation and furthering their defendants' goal of retaliating against Mrs. Annecer Peruzar.

65. The defendant(s), upon agreement, accomplished their goal as several courts are currently considering the various TPOs filed against Ms. Smith, Ms. Smith has been harassed and defamed to an extent that has caused her great emotional distress, and Ms. Smith has had fears for her life due to being a witness in the litigation of Mrs. Annecer Peruzar v. CEC et al.

1 66. The unfaithful and unlawful actions by the defendants were deliberate leading
2 directly to the damages sustained by Ms. Smith to be proven at trial on this
3 matter.

4 **CAUSE OF ACTION FOR SLANDER/SLANDER PER SE**

5 67. Ms. Smith reasserts and incorporates by reference paragraphs 1 through 66 of
6 this Complaint as if fully restated herein.

7 68. The defendant(s) made unprivileged false and defamatory statements about Ms.
8 Smith including but not limited to accusing her of the crimes of stalking,
9 harassment, aggravated stalking, sending threatening messages, calling her a
10 “nigga,” and calling her a “schizophrenic,” to several third parties.

11 69. The defendant(s) made false and defamatory statements about Ms. Smith
12 concerning settled matters contained in a confidential settlement agreement,
13 which all parties (including Fennemore Craig) agreed would cause irreparable
14 harm if exposed to outside parties.

16 70. The actions of defendant(s) are slanderous on its face as they have accused Ms.
17 Smith of committing crimes under Nevada laws without sufficient basis for doing
18 so and has called the Plaintiff a word so degrading and derogatory in our society
19 that it would be considered defamation per se.

20 71. Defendant(s) have caused great harm to Ms. Smith to be proven at trial in this
21 matter.

22 **CAUSE OF ACTION FOR DEFAMATION/DEFAMATION PER SE**

24 72. Ms. Smith reasserts and incorporates by reference paragraphs 1 through 71 of
25 this Complaint as if fully restated herein.

26 73. The defendant(s) made unprivileged false and defamatory statements about Ms.
27 Smith including but not limited to accusing her of the crimes of stalking,

1 harassment, aggravated stalking, sending threatening messages, calling her a
2 "nigga," and calling her a "schizophrenic," to several third parties.

3 74. The defendant(s) made false and defamatory statements about Ms. Smith
4 concerning settled matters contained in a confidential settlement agreement,
5 which all parties (including Fennemore Craig) agreed would cause irreparable
6 harm if exposed to outside parties.

7 75. The actions of defendant(s) are defaming on its face as they have accused Ms.
8 Smith of committing crimes under Nevada laws without sufficient basis for doing
9 so and have called the Plaintiff a word so degrading and derogatory in our
10 society that it would be considered defamation per se.

11 76. Defendants have caused great harm to Ms. Smith to be proven at trial in this
12 matter.

13 **CAUSE OF ACTION FOR INTENTIONAL INFILCTION OF EMOTIONAL DISTRESS**

14 77. Ms. Smith reasserts and incorporates by reference paragraphs 1 through 76 of
15 this Complaint as if fully restated herein.

16 78. The defendant(s) defamed, harassed, and intimidated Ms. Smith as stated in this
17 lawsuit, which has caused Ms. Smith to (including but not limited to) continually
18 seek mental health treatment, has caused Ms. Smith permanent harm to her
19 reputation, and has caused Ms. Smith to fear for her life.

20 79. As a result of defendant's reckless conduct, Ms. Smith has suffered severe
21 emotional distress to be proven at trial on this matter.

22 **CAUSE OF ACTION FOR PERMANENT INJUNCTIVE RELIEF**

23 80. Ms. Smith reasserts and incorporates by reference paragraphs 1 through 79 of
24 this Complaint as if fully restated herein.

81. The defendant(s) have not stopped their baseless accusations against Ms. Smith. In fact, they have continued on, causing severe and permanent harm including but not limited to emotional harm and harm to Ms. Smith's reputation.

82. Ms. Smith is entitled to permanent injunctive relief against defendant(s) banning them from continuing to make false and defamatory statements against Ms. Smith and banning them of continuing the conspiracy of having employees file frivolous TPOs against Ms. Smith in various locations.

MS. SMITH IS A PRIVATE FIGURE

83. Ms. Smith is a private figure for the purposes of the defamation and libel claims, having lived her entire life outside of the public eye.

**DEFENDANTS PUBLISHED INTENTIONALLY AND WITH ACTUAL MALICE AND
FILED VARIOUS APPLICATIONS FOR PROTECTIVE ORDERS WITH ACTUAL
MALICE**

84. The defendant(s) published false and defamatory accusations/statements with actual knowledge of their falsity and/or reckless disregard for the truth.

85. The defendant(s) filed various applications for protective orders against Ms.

Smith with actual malice as stated in this lawsuit. Employees that Ms. Smith has never seen or had contact with filed TPO applications against Ms. Smith.

86. The defendant(s) exposed the confidential settlement agreement with actual malice (due to the litigation between Mrs. Annecer Peruzar and their clients CEC/PHWLV).

87. As a large law firm with several subsidiaries, defendant(s) knew but ignored the importance of verifying damaging and in this case, incendiary accusations against Ms. Smith prior to making them.

88. The actual malice of defendants is demonstrated by their utter and knowing disregard for the truth and reputation of Ms. Smith.

89. The defendant's conduct demonstrates a purposeful avoidance of the truth in order to exact revenge on behalf of their clients.

90. The defendant's actual malice is further evidenced by their failure to cease to
their false claims after having knowledge of and entering into a confidential
agreement with the Plaintiff.

91. The defendant's made the false and defamatory accusations with common law malice, including because they intended to retaliate against Mrs. Annecer Peruzar by harming her family.

DAMAGES

92. The defendant's conduct, included but not limited to defamation, was steeped in hate and retaliation.

93. The defendant(s) in an attempt to retaliate against Mrs. Annecer Peruzar and cause further harm to Ms. Smith engaged in the intentional infliction of emotional distress on the Plaintiff.

94. The false and defamatory accusations, including but not limited to the confidential settlement agreement, was published to third parties.

95. The false and defamatory accusations against Ms. Smith are defamatory per se as they are slanderous on their face without resort to additional facts, and subjected Ms. Smith to humiliation, contempt, embarrassment, and disgrace.

96. As a direct and proximate result of the false and defamatory accusations, Ms. Smith suffered permanent harm to her reputation.

97. As a direct and proximate result of the false and defamatory accusations, Ms. Smith suffered severe emotional distress.

98. As a direct and proximate result of the false and defamatory accusations, Ms. Smith is forced to live her life in a constant state of concern regarding her reputation.

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99. Ms. Smith is entitled to compensatory and punitive damages.

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100. The defendant's actions were done with actual malice and common law
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malice, thereby entitling Ms. Smith to an award of punitive damages.

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101. The defendant's conduct was outrageous and willful, demonstrating that
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entire want of care that raises a conscious indifference to consequences.

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102. Ms. Smith is entitled to an award of punitive damages to punish
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defendants and to deter them from repeating such egregiously unlawful
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misconduct in the future.

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WHEREFORE, Ms. Smith respectfully prays:

- 10
(a) That judgment be entered against the defendants for compensatory damages
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in an amount not less than One Million Dollars (\$1,000,000.00);
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(b) That judgment be entered against the defendants for punitive damages in an
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amount not less than One Million Dollars (\$1,000,000.00);
14
(c) That all costs of this action be taxed to the defendant(s);
15
(d) For interest at the statutory rate; and
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(e) That the Court grant all such other and further relief that the Court deems just
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and proper; including equitable relief.

18
DEMAND FOR JURY TRIAL

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Ms. Smith demands trial by jury in this action of all issues so triable.

20
Respectfully submitted this 13th day of May 2019

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22
LATONIA SMITH

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